



LG&E Energy Corp.
220 West Main Street (40202)
P.O. Box 32030
Louisville, Kentucky 40232

September 12, 2003

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SEP 12 2003

PUBLIC SERVICE
COMMISSION

Mr. Thomas Dorman
Executive Director
Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40602

**RE: INVESTIGATION INTO THE MEMBERSHIP OF LOUISVILLE
GAS AND ELECTRIC COMPANY AND KENTUCKY UTILITIES
COMPANY IN THE MIDWEST INDEPENDENT TRANSMISSION
SYSTEM OPERATOR, INC. – CASE NO. 2003-00266**

Dear Mr. Dorman:

Please find enclosed and accept for filing the original and ten (10) copies of the Motion of Louisville Gas and Electric Company and Kentucky Utilities Company to Amend the Procedural Schedule in the above-referenced case.

Please contact me if you have any questions regarding this filing.

Sincerely,

F. Howard Bush
Manager, Regulatory Compliance

Cc: Hon. Elizabeth E. Blackford
Hon. Michael L. Kurtz
Hon. Steven G. Kozey
Hon. Katherine K. Yunker



COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

In the Matter of:

INVESTIGATION INTO THE)
MEMBERSHIP OF LOUISVILLE)
GAS AND ELECTRIC COMPANY)
AND KENTUCKY UTILITIES)
COMPANY IN THE MIDWEST)
INDEPENDENT TRANSMISSION)
SYSTEM OPERATOR, INC.)

CASE NO. 2003-00266

**MOTION OF
LOUISVILLE GAS AND ELECTRIC COMPANY
AND KENTUCKY UTILITIES COMPANY
TO AMEND PROCEDURAL SCHEDULE**

On July 31, 2003, the Kentucky Public Service Commission ("Commission") issued its order establishing the procedural schedule in this proceeding. Louisville Gas and Electric Company ("LG&E") and Kentucky Utilities Company ("KU") now move the Commission to amend this Order to grant LG&E and KU leave to file rebuttal testimony on or before December 30, 2003.

Without leave to file rebuttal testimony, the procedural schedule in this case does not provide LG&E and KU with a meaningful opportunity to present evidence on any new issues raised by testimony filed by intervenors. *See Utility Reg. Com'n. v. KY Water Service Co., Ky. App., 642 S.W.2d 591, 593 (1982)* (due process entitles parties to have "an opportunity to test, explain or refute" evidence). The pre-filing of rebuttal testimony by LG&E and KU will allow the Commission to more narrowly define the relevant issues and diminish the likelihood for a protracted, contentious hearing.

LG&E and KU ask for leave to file rebuttal testimony on or before December 30, 2003, and for the Commission to revise the procedural schedule in accordance thereof.

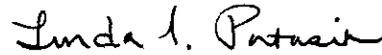
None of the dates designated in the Commission's Order of July 31, 2003 would change if LG&E's and KU's request is granted. Further, the adjustments to the procedural schedule, if made, will not prejudice any party.

The Commission previously granted a similar motion made by LG&E in Case No. 2002-00147, *In the Matter of: The Application of Louisville Gas and Electric Company for Approval of its Compliance Plan for Recover by Environmental Surcharge*, in an Order dated September 12, 2002.

WHEREFORE, Louisville Gas and Electric Company and Kentucky Utilities Company ask the Commission to issue an order granting them leave to file rebuttal testimony on or before December 30, 2003.

Dated: September 9, 2003

Respectfully submitted,



Linda S. Portasik
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LG&E Energy Corp.
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Counsel for Louisville Gas and
Electric Company and Kentucky Utilities Company

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served on the following persons on the 12th day of September, 2003, United States mail, postage prepaid:

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